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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,310	01/23/2004	Frank Liebenow	P1980US01	8169
24333	7590	02/27/2006	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			DANG, ROBERT TRONG	
			ART UNIT	PAPER NUMBER
			2838	
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,310

Applicant(s)

LIEBENOW, FRANK

Examiner

Robert T. Dang

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/23/2004-2 Pages</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kiko et al. (6181777).

As to claims 1 and 11, Kiko discloses in figures 1 and 2, an input for combined AC power and powerline signals; a surge protection circuit (10) connected to the input; at least one output connected to the surge protection circuit (26); and a high-pass filter (30) connected between the input and the at least one output configured and arranged such that powerline networking signals can pass through the surge protection device without being attenuated by the surge protection circuit (see col. 4, lines 50-63).

As to claims 2 and 16, Kiko discloses in figures 1 and 2, wherein the input has at least two rails, the at least one output has at least two rails, and wherein the high-pass filter (30) is connected between one rail of the input and one rail of the at least one output.

As to claims 3 and 17, Kiko discloses in figures 1 and 2, wherein the input includes two rails, each of the at least one output has two rails, and the high-pass filter is connected between both rails of the input and both rails of each of the at least one output.

As to claims 8 and 18, Kiko discloses in figure 2, further comprising: a housing (54), the high-pass filter and the surge protection circuit being in the housing.

Art Unit: 2838

As to claims 9 and 19, Kiko discloses in figure 1, further comprising: a powerline network adapter (42a) electrically downstream of the at least one output.

As to claims 10 and 20, Kiko discloses in figure 1, further comprising: at least one inductor connected between the input and the surge protection circuit to increase impedance at a powerline networking operating frequency (see col. 9, lines 1-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7 and 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiko (6181777). In view of Safranoi (5768113) or Asprey (5386574).

As to claims 4-7 and 12-15, Kiko discloses all of the limitations above, but does not disclose the high pass filter comprising of two capacitors in parallel that are between 0.001 uf and about 0.1 uf. Safranoi discloses in figure 3 (see col. 3, lines 48-55), a high pass filter (11a) comprising of at least 2 capacitors in parallel that are 1.5 microfarads each. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and add two capacitors in parallel as taught by Safranoi in order to change the impedance of the filter in order to pass undesired frequencies to ground. Similarly, Asprey discloses at col. 6, lines 10-25, employing parallel capacitors in the claimed range of about 0.1uf, employed to pass undesired high

Art Unit: 2838

frequency components to ground, so that it would have been obvious to employ the capacitors to pass high frequency components where Kiko has a high pass filter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Dang whose telephone number is 571-272-8326. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTD


KARL EASTHOM
SUPERVISORY PATENT EXAMINER